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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-201850

DATE: March 3, 1981

MATTER OF: Barry Stier

DIGEST:

[Protest concerning Army's award of contract for publishing of civilian enterprise newspaper] is dismissed since contract does not involve direct expenditure of appropriated funds.

AGC 01

Barry Stier protests the award of a contract by the Public Affairs Office of the U.S. Eighth Army in Seoul, Korea, for the publishing of a civilian enterprise newspaper. We dismiss the protest.

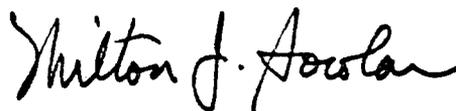
This Office considers protests of contract awards pursuant to its authority under 31 U.S.C. §§ 71, 74 (1976) to settle appropriated fund accounts of the Government. Consequently, we generally consider protests of contract awards which involve the expenditure of appropriated funds. Fortec Constructors--Reconsideration, 57 Comp. Gen. 311 (1978), 78-1 CPD 153.

However, civilian enterprise publications are published by civilian publishers under contract with the Department of the Army at no cost to the Army. Army Regulation (AR) 360-81, 2-2(b), August 3, 1976. Although Army Public Affairs officers cooperate and work with the publisher, neither appropriated nor nonappropriated funds are paid to the publisher. Rather, "[p]ublishers are responsible for funding civilian enterprise publications," AR 360-81, 2-23, normally through the sale of advertising.

Consequently, since the award of the contract does not involve the direct expenditure of appropriated funds, we could not take legal exception to the award and therefore no useful purpose would be served by our review.

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The protest is dismissed.

A handwritten signature in cursive script that reads "Milton J. Socolar".

Milton J. Socolar
General Counsel